

### **REMARKS**

It is believed that this Amendment and the following remarks, place the application in immediate condition for allowance. Claims 19, 20, 27-31, 33-37, and 39-42 are pending in the application. In this Amendment, the rejection of claims 19, 20, 27-31, 33-37, and 39-42 is respectfully traversed, and new claims 42-46 have been added.

#### **Rejection Under 35 U.S.C. § 102**

The Examiner has rejected claims 19 and 20 under the provisions of 35 U.S.C. § 102(b) as being anticipated by the newly cited U. S. Patent 5,479,303 (Suzuki et al, "Suzuki"). The Applicants respectfully submit that claims 19 and 20 are not anticipated by the Suzuki patent.

#### **The Suzuki Patent**

The Suzuki patent discloses a visual search method for control of digital video that displays an image in the fast forward and fast reverse modes. The method also includes a switching mode for switching between the normal playback mode, the fast forward and fast reverse modes.

#### **The Suzuki Patent Does Not Anticipate Claims 19 And 20**

The Suzuki patent is totally silent regarding the Applicant's claimed transmission level determining step for determining a transmission level in accordance with the load

of the video system. The Suzuki patent does not determine transmission loads. The Applicants believe that Suzuki discloses data (files) that are prepared in advance (see column 4, line 43), and that there is no need for determining a transmission level. In the Applicants' claimed invention, however, the data is dynamically extracted, and it is not prepared in advance. Accordingly, since Suzuki does not disclose the Applicant's claimed transmission level determining step for determining a transmission level, the Examiner is respectfully requested to withdraw rejection based upon the provisions of 35 U.S.C. § 102(b).

#### **Rejection Under 35 U.S.C. § 103**

Claims 27-28, 30-31, 33-37 and 39-42 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Ito et al. (U.S. Patent No. 6,014,693, "Ito") in view of Suzuki.

#### **The Ito Patent Is Not Prior Art And The Rejection Is Improper**

The Ito patent is based upon U.S. Patent Application 08/712,844 that was filed on September 12, 1996, and it is assigned to the Assignee of the present invention. Ito is also based upon a Japanese priority application that was first published on October 14, 1997. The present application was filed on February 26, 1997 in Japan as a PCT application and it is assigned to the same assignee as Ito. Accordingly, Ito is not prior art under 35 U.S.C. § 103(c) which states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Accordingly, the Examiner is respectfully requested to withdraw the rejection based upon 35 U.S.C. § 103, because Ito is not prior art with respect to the claimed invention.

#### **Dependent Claim 29**

Dependent claim 29 has been rejected over Ito in view Suzuki and U.S. Patent No. 5,260,783 (Dixit). Since Ito is not prior art, the rejection of claim 29 must also be withdrawn.

#### **Conclusion**

In view of the above amendments and remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard J. McGrath (Reg. No. 29,195) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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